

*An account of an investigation
into the activities of*

Senator Joseph R. McCarthy

McCARTHY ON TRIAL

*conducted by
a New York Trade
Union Veterans*

*Committee, relating the
dramatic circumstances
surrounding this event
and presenting verbatim testimony,
given at a public hearing,
and additional documentary evidence*

Edited by **ALBERT E. KAHN**



25 cents

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An account of an investigation into the activities of Senator Joseph R. McCarthy conducted by a New York Trade Union Veterans Committee, relating the dramatic circumstances surrounding this event and presenting verbatim testimony, given at a public hearing, and additional documentary evidence.

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Prologue

BY ALBERT E. KAHN

1. The Indictment

On the afternoon of December 16, 1953, a remarkable if little publicized event occurred at a public hearing which was being held in the Federal Court House in New York City by Senator Joseph R. McCarthy, Chairman of the Senate Permanent Subcommittee on Investigations. The hearing was one of a series in an investigation Senator McCarthy purported to be conducting into "espionage activities" at the Army Signal Corps laboratories at Fort Monmouth, New Jersey. Like all probes associated with the Senator's name, this one was stirring up a national furor. The hearing room was packed to capacity with curious spectators. A corps of newspapermen and a battery of newsreel and TV cameras recorded every gesture and word of the witnesses, the Senator and his aides. In many respects, the scene resembled a carefully rehearsed and skillfully directed theatrical production; and in many respects, indeed, it was precisely that.

But during this particular day's session, there was to be one episode which had not been planned or foreseen by those who were staging the official melodrama. And newsworthy as it was, this episode would not be mentioned in any of the press reports.

In the middle of the proceedings, two documents addressed to Senator McCarthy were delivered to the table where the Senator was seated with the members of his staff.

One of the documents was drawn up in the form of a subpoena. It notified the Senator that there was soon to take place in New York City a public trial at which he would be

the accused, and it requested him to appear at the trial "to testify and give such evidence on your behalf as you may desire . . . on the charges brought against you."

The other document was headed: *The Indictment—Court of Public Opinion of the United States of America—People of the United States vs. Senator Joseph R. McCarthy.*

This document charged Senator McCarthy with having violated the U.S. Criminal Code on three major counts, which it listed in specific detail. The criminal offenses of which McCarthy was accused included the acceptance of bribes while in office, violation of the Corrupt Practices Act, and conspiracy to subvert the Constitution of the United States.

The document also accused the Senator of having violated the First and Fifth Amendments of the Constitution.*

Both documents had been prepared and submitted to Senator McCarthy by a newly established organization which was called the Trade Union Veterans Committee.

The circumstances leading up to the formation of this Committee, and the undertaking in which it was about to become engaged, were of urgent import to the nation as a whole.

2. Path to Power

At the time of the Fort Monmouth inquiry, Senator Joseph Raymond McCarthy was one of the best known and most powerful public figures in the United States. He exerted a major influence on the domestic and foreign policies of the U. S. Government. His name was familiar to countless millions not only in America but on every other continent. McCarthy's investigations, McCarthy's sensational charges against high personages and obscure citizens, McCarthy's youthful effeminate aides, McCarthy's personality and appearance—his swarthy face and thinning hair, his professional smile, his burly physique, his tough words and strangely contrasting coquettish mannerisms—were world-famous. The Senator from Wisconsin had added a new word, "McCarthyism," to all languages.

* The full text of this indictment appears on pages 19-20 of this booklet.

"Highly placed and sophisticated men," wrote William S. White, Washington correspondent of the *New York Times*, in an article in the June 16, 1953, issue of *Look Magazine*, "arriving from abroad—not excepting cabinet ministers—often ask anxiously about McCarthy before inquiring about the President of the United States."

Speaking on the floor of the British Parliament, former Prime Minister Clement R. Attlee declared: "Sometimes one wonders which is the more powerful, the President or Senator McCarthy?"

How was it that this forty-four-year-old former grocer and one-time circuit judge from a small Wisconsin town, whose brief career in Congress was shown by Senate reports to have included the acceptance of bribes and the use of forgeries against his political opponents, had skyrocketed overnight to a position of such immense power and international renown?

Since the conclusion of the Second World War and the death of Franklin D. Roosevelt, a profound and amazing metamorphosis had taken place in the land.

At the war's end, the hearts of the American people had been filled with high hope. With the fearful bloodshed and devastation finally at an end, with the dark prison-empire of the Axis powers lying in crumbled ruins and the freedom-loving peoples of the world linked in the alliance of the United Nations, it seemed to millions of Americans that a new era was about to dawn—an era of security, freedom and lasting world peace. The democratic principles Roosevelt had symbolized and the brave future he had envisioned lived on in the minds of the people. A better and more fruitful life, it was fervently believed, was now at hand. This grand illusion was to be swiftly and brutally destroyed.

No sooner had the war against the Axis ended than a fierce new conflict began. The Economic Royalists had not been idle during the war years; they had multiplied their wealth and power while young Americans gave their lives on far-off battlefields. Now, from their high-placed positions, with the object of maintaining their vast war profits, they launched an

all-out assault against the foreign policies of the Roosevelt Administration and the hard-won gains achieved by the people during the New Deal. With startling swiftness, the concept of close friendly relations among the major powers in the postwar world was replaced by that of the Truman Doctrine, which the *Chicago News* characterized as "an open invitation to war with Russia." International tension mounted on every side. Instead of peace, the Cold War was declared.

No less drastic was the change in the Government's domestic policies. "The crusading days of the New Deal are over," declared the *Wall Street Journal* soon after Truman had taken office. The Taft-Hartley Law, dubbed by trade unionists as "the slave labor law," supplanted New Deal pro-labor legislation. Investigations of "radicals," denunciations of "Reds," witchhunts and purges swept through every city and state. President Truman promulgated his Loyalty Order, projecting a nationwide program of thought control and repression in the name of combatting the "Communist menace."

"A pattern of suppression is evolving at the highest levels of the Federal Government," gravely warned a public statement issued in the summer of 1947 by twenty-two faculty members of the Yale University Law School. "There are alarming signs that persecution for opinion . . . may reach a point never hitherto attained even in the darkest period of our history."

Across the land during the ensuing years there spread a miasmic pall of fear, seeping into every crevice of the national life, enveloping meek and mighty alike: fear of an atomic global war, fear of "Soviet spies," fear of another depression, fear of being "purged" on charges of disloyalty, fear of being branded as a "Red."

"Suspicion has taken the place of good-will . . ." wrote Supreme Court Justice William O. Douglas in an article entitled *The Black Silence of Fear*, in the *New York Times* on January 13, 1952. "Everyone who does not follow the military policymakers is suspect. . . . Fear runs rampant."

Surveying this ominous scene, the General Council of the Presbyterian Church in the United States addressed a soberly

worded message in the winter of 1953 to its eight thousand pastors and two and a half million members. The message stated in part:

Dangerous developments are taking place in our national life. The shrine of conscience and private judgment, which God alone has the right to enter, is being invaded. . . . These inquisitions, which find their pattern in medieval Spain and in the tribunals of modern totalitarian states, begin to constitute a threat to freedom of thought in this country. . . .

The demagogue who lives by propaganda is coming into his own on a national scale.

And by far the most outstanding demagogue who had come into his own, emerging from the murky climate of the times like an evil spirit personifying all the repression and fear in the land, was Senator Joseph McCarthy.

Much as McCarthy's name was to become associated with postwar reaction in the United States, and much as he was to help produce it, he was far more a product of it. During 1946-1949, his first three years in Congress, while reaction mounted in the land, comparatively little was heard of the junior Senator from Wisconsin. His spectacular climb in the nation's capitol began early in 1950, a few months before the outbreak of the Korean war. It was then, with anti-Red hysteria already at a fever pitch, that McCarthy startled the nation with the sensational announcement that he had in his possession "a list of 205 Communists" operating in the State Department. The number of individuals on McCarthy's "list" was quickly to dwindle to eighty-one, then to fifty-seven, and ultimately to one, who was never proven to be a Communist. Nevertheless, McCarthy had arrived in the nation's headlines. He stayed there.

He stayed there by systematically exploiting the technique that had catapulted him into national prominence, and by skillfully playing upon the fears and prejudices which were rampant in the country. He denounced former prominent New Dealers as "Soviet spies"; he accused Secretary of State Dean Acheson of being a "Pied Piper of the Politburo" who was

plotting to "abandon the Far East to Communism"; he declared that General George Marshall was involved in a "conspiracy" to undermine the strength and prestige of the United States; he charged that Government agencies were riddled with "Communist agents" who had access to secret atomic and military information. Aggressively and without let-up, he laid claim to the title of leader in the nation's anti-Communist crusade.

And as McCarthy's notoriety grew, so did his political power. One after another, Government officials attacked by McCarthy were forced to resign or were dismissed from their posts. Congressmen—like Senators Millard E. Tydings and William Benton—who opposed him or sought to expose his unprincipled and illegal practices found themselves voted out of office, as McCarthy funds and forces were mobilized to secure their defeat.

"And to come down to simple reckonings of naked power," wrote William S. White of the *New York Times* in the summer of 1953, "who in the Senate has more—not in terms of the legislative hierarchy but in the ability to reward or to punish? No one . . . It can be said of him, as it can be said of no other senator, that Joseph McCarthy has had at least some hand in the election, since 1950, of eight to ten members of the United States Senate."

Nor was the source of McCarthy's power solely his proficiency as a demagogue or his capacity for blackmail and bribery. In an article in the December 1, 1953, issue of *Look*, the chief of its Washington Bureau, Richard Wilson, gave some indication of the varied influential forces backing the Senator:

The McCarthy set is a heady mixture of Texas millionaires and former corner grocers; of Catholic prelates and a campus beauty queen; of hard-working political bosses and reportorial sleuths; . . . of Wisconsin politicians and rich horse-women; of market plungers and solid industrialists.

Platoons of lawyers, investigators, advisers, financial backers surround McCarthy. More than 70 persons are playing major roles in the McCarthy retinue.

Wilson added: "Some want to make him President. . . . Many passionately believe he will be the saviour of America."

Watching McCarthy's swift march along the path to power, not a few Americans had the ominous feeling that history was repeating itself, as they recalled the days of 1932 when an ineffectual general who was president of the German Weimar Republic had handed over the reins of government to an upstart former subaltern and red-baiting mountebank named Adolf Hitler.

"When I think of McCarthy," declared Arthur Eisenhower, Kansas City financier and brother of President Eisenhower, "I automatically think of Hitler."

"Whenever it is possible to fight him . . . do so," urged Eleanor Roosevelt.

And throughout the country, there were men and women who were fighting Senator McCarthy.

They were men and women from all walks of life, but they had this in common: they saw in McCarthyism a monstrous threat to the nation and they refused to be frightened into silence. With every day, slowly but surely, the opposition to McCarthy grew, expressing itself in a multiple variety of ways. An increasing number of religious, labor and fraternal organizations adopted resolutions decrying McCarthy's activities. More and more individuals, arbitrarily summoned before the McCarthy committee, refused to answer the Senator's inquisitorial questions or to be cowed by his threats. Prominent scientists and noted artists, distinguished churchmen and labor leaders, well-known educators and authors joined in the mounting protest against McCarthy's anti-democratic operations. Sounding through the cacophony of Red-baiting, witchhunting and war hysteria, the voice of American decency and sanity was beginning to make itself heard.

Such was the atmosphere in which, early in November 1953, a small group of trade unionists and World War II veterans came together in New York City to discuss the growing menace of McCarthyism and what they could do to combat it.

Out of their discussion came a dramatic decision. Senator McCarthy, in his Star Chamber proceedings and vitriolic public denunciations, had placed more than enough Americans on trial. Surely the time had come to put the Senator himself on trial. And how could the real character and role of McCarthy be more effectively exposed than through a public trial of the man? And who, indeed, were better fitted to stage such a trial than citizens who had fought as soldiers in the Second World War in defense of their nation's freedom and who as trade unionists were engaged in daily struggles in defense of American democracy?

The group formed a Trade Union Veterans Committee and dispatched a letter to a number of other union members who had served in the U. S. armed forces. Signed by Leon Straus, executive secretary of the Joint Board of the Fur Dressers' and Dyers' Unions and a former lieutenant in the U. S. Army, the letter began:

Dear Brother:

A group of trade union veterans have discussed the idea of launching a trial of Senator McCarthy. This trial would take place in a public hall of 4,000 or 5,000 people with a judge, jury and witnesses. The people involved as witnesses would be those who were attacked and maligned, or who are under attack now by McCarthy and McCarthyism. . . .

The recipients of the letter were asked to join the Trade Union Veterans Committee and to assist in organizing the trial.

It was, however, one thing to decide to stage a public trial of Senator McCarthy. It was quite another thing to put the decision into effect.

3. *Struggle in the City*

Two months were to elapse between the formation of the Trade Union Veterans Committee and the public trial of Senator McCarthy. The events of the intervening period were in many respects to be a microcosm of the conflict being waged

on a national scale between the forces supporting and those opposing the phenomenon of McCarthyism.

No sooner had the Trade Union Veterans Committee announced its intention of staging a public trial of McCarthy than the far-flung influence of the Senator began to make itself felt on all sides and it became clear there were powerful forces which would seek to prevent the trial from taking place.

The first task facing the Committee was to rent a hall in which to hold the trial. There were plenty of auditoriums in the city of New York with adequate facilities for such a meeting; but one after another the proprietors, when approached by members of the Committee, stated that their halls were not available. Some declined to give any reason. Others told the committee their schedules were full. One or two were more candid: they were sorry, they said, but they could not allow their halls to be used for an anti-McCarthy meeting. Yes, they admitted, they were afraid of the possible consequences . . .

Finally, the Committee found a hall whose owner was not afraid to rent it. The hall was St. Nicholas Arena at 66th Street and Broadway.

The date of the trial was set for January 6, 1954.

If securing a hall for the meeting had been difficult enough, publicizing the trial was to prove much more so.

Every regular channel of publicity, it developed, was closed to the Committee. It was the intention of the Committee to have the proceedings of the trial broadcast or televised: and to facilitate the arrangements for this, the Committee employed the services of an advertising agency. After three weeks, the agency reported in a letter to the Committee:

This is to advise you that we have made every effort to obtain time for radio and television in connection with your committee's plans for January 6, but have met with no success, having been turned down by those stations discussed at our meeting. . . .

Attempts to place newspaper advertisements about the trial met with a similar response. Only trade union and left-wing publications were willing to carry advertisements publicizing

the meeting. Every metropolitan newspaper refused to take such advertisements. In only one instance was any explanation offered. That was in the case of the *New York Post*.

At first the *Post* had agreed to publish an advertisement and had accepted a check from the Committee in payment for it. Shortly afterwards the newspaper returned the check to the Committee with a letter from the advertising manager. The letter was as remarkably frank as it was concise. Two sentences in length, it read:

Enclosed is your check for \$105, which was to have covered payment for your advertisement in the *New York Post*.

Because of censorship the advertisement was omitted.

The members of the Trade Union Veterans Committee, however, were not the sort to be easily discouraged. Thwarted in their efforts to place advertisements in the metropolitan press, they launched an intensive campaign to bring word of the meeting to the public by other means. Tens of thousands of leaflets giving the time and place of the trial, and summarizing the indictment against McCarthy, were printed, and scores of trade unionists were soon busily distributing them in factories, shops and offices throughout the city. Posters announcing the trial were hung in union halls, and speakers at union meetings urged fellow members to attend. In the garment district and on the docks, in warehouses and printing plants, in apartment buildings and on street corners in Manhattan, Brooklyn and the Bronx, the leaflets announcing the trial were handed out and tickets to the meeting were sold.

And almost everywhere, the enthusiasm of the response exceeded the highest expectations of the Trade Union Veterans Committee. In one place after another, the supply of tickets was quickly exhausted and an insistent demand arose for more . . .

As the news of the trial rapidly spread, and the evidence of public support for it mounted, the very same newspapers which had previously refused to carry advertisements mentioning it, now embarked on a campaign to denounce and discredit the meeting. In editorials, "news" stories and the articles of col-

umnists, these newspapers charged that the meeting was being organized by "Reds" and characterized it as a "Moscow trial."

Typical was the comment of columnist Robert M. Grannis in the *Brooklyn Eagle*. "One of the most evil and un-American activities I have ever heard about," he wrote, "is the forthcoming 'Trial of Senator McCarthy' scheduled for January 6 at the St. Nicholas Arena . . . How any American can join in such shameful shenanigans is beyond understanding."

Herbert A. Philbrick, the renegade Communist and one-time police spy who had become a columnist for the *New York Herald Tribune*, reported:

Members of the Communist party gathered in secret meetings throughout the New York City area last week were being provided with tickets to a "public trial" of Senator Joseph McCarthy. The secret Reds were instructed to seek as wide a sale as possible among students, teachers, professors, ministers and labor union members. . . .

Asserting that the "comrades" at these "secret meetings" had been given the names of the witnesses who were to testify at the trial, Philbrick proceeded to list those individuals whose appearance as witnesses had already been publicly announced by the Trade Union Veterans Committee . . .

Indignantly, the Committee addressed a letter to the editors of the *Herald Tribune*, protesting "the slanderous falsehoods and deliberate distortions" in Philbrick's column and requesting that the newspaper publish a correction or print their letter. In reply, the Committee received a communication from the *Herald Tribune* which read in part:

As you probably know, a great many letters come to the paper each day and it is not possible to publish all of them. We print those that appear to be most timely or that sum up the viewpoint of a cross-section of our readers. . . .

No correction of Philbrick's lies appeared in the *Herald Tribune*; nor was the letter from the Trade Union Veterans Committee ever published. . . .

The propaganda campaign against the trial of McCarthy was not without its effect. Several pro-McCarthy organizations

announced they would stage a counter-demonstration if the trial took place. Abusive letters began arriving at the office of the Trade Union Veterans Committee. Anonymous, threatening telephone calls were made to the Committee and to the St. Nicholas Arena. One such call threatened that the hall would be bombed on the night of the trial.

Undeterred, the Trade Union Veterans Committee went ahead with its plans, increasing the distribution of leaflets, directing the steadily mounting sale of tickets, and making the final technical preparations for the staging of the trial.

A week before the scheduled date of the meeting, no answer having yet been received from Senator McCarthy to the subpoena requesting his presence at the trial, the Committee telephoned the Senator's office in Washington.

A secretary answered. The Senator, she said, was out of town. Who was calling?

"This is the Trade Union Veterans Committee in New York," said the Committee spokesman. "We're holding a public trial of Senator McCarthy on Wednesday, January 6. We want to know if he's going to show up."

"Is it a meeting?"

"Yes."

"Did he get an invitation?"

"It was sent to him."

"The Senator always answers his Wisconsin mail first."

"Will he be able to appear?"

The secretary did not know. "The Senator's away," she repeated.

As the day of the trial neared, additional tickets to the meeting had to be printed to meet the demand. It was clear not only that the meeting would be a sell-out but that the main hall at St. Nicholas Arena—with a capacity of 5,000—would not be large enough to hold the crowd. The Trade Union Veterans Committee made arrangements to rent another smaller hall in the same building to take care of the overflow.

On the evening of January 6, 1954, the trial of Senator Joseph McCarthy took place as scheduled.

The Trial

Participants in the Trial

Prosecuting Attorneys

FRANK SERRI, Former president of Kings County Criminal Courts Bar Association and president of the New York City Chapter of the National Lawyers Guild.

RUSS NIXON, Legislative director for United Electrical Radio and Machine Workers of America. Former director of U. S. Division for Investigation of Nazi Cartels.

Witnesses*

CHARLES R. ALLEN JR., Journalist

DR. ALPHAEUS HUNTON, Educator

JAMES ARONSON, Newspaperman

LOU SPINDELL, Teacher

ABRAM FLAXER, Trade Unionist

REVEREND WILLIAM HOWARD MELISH, Churchman

HOWARD FAST, Novelist

DR. MELBA PHILLIPS, Scientist

MRS. ESLANDA ROBESON, Author

JULIUS EMSPAK, Trade Unionist

FRANK COE, Economist

BEN GOLD, Trade Unionist

* The witnesses are here listed in the order of their appearance at the trial. Background information regarding the witnesses precedes the testimony of each.

The Jury

HERB FRANK, Veteran of three years in Africa; lost leg at St. Lo near Normandy; member, Distributive, Processing and Office Workers of America

TONY BARATTA, Veteran of thirty-one months in Europe; member, Joint Board, Fur Dressers' and Dyers' Unions

BOB REQUA, Veteran of Korean War; member, Furriers' Joint Council

HERB LERNER, Veteran of North Africa, Sicily and Italy campaigns, World War II; member, Mine, Mill and Smelter Workers Union

WALTER GARCIA, Navy veteran; member, Hotel and Restaurant Workers Union

ARNOLD OLENICK, Former Air Force Major

LARRY PERKINS, Former Lieutenant, served in Italy; member, United Electrical, Radio and Machine Workers of America

MRS. BETTY WATERS, Former Wave, World War II; Hospital Workers Union

ROBERT LOGAN, Air Force veteran; member, Fur and Leather Workers Union

DR. EDWARD BARSKY, Former head of Sanitation Service of the Abraham Lincoln Brigade in Spain; former chairman, Joint Anti-Fascist Refugee Committee

WILLIAM SILER, Member, United Electrical, Radio and Machine Workers of America

LEON STRAUS, Lieutenant in U. S. Army during World War II; Executive Secretary, Joint Board Fur Dressers' and Dyers' Unions

Commentators

SAM FREEDMAN, Organizer for the Furriers Joint Council

ALBERT E. KAHN, Author

Technical Director

HERB TANK, Playwright

The Indictment

COURT OF PUBLIC OPINION OF THE UNITED STATES
OF AMERICA

PEOPLE OF THE UNITED STATES

vs.

SENATOR JOSEPH McCARTHY

THE PEOPLE OF THE UNITED STATES CHARGE:

First Count

That Joseph McCarthy has violated Title 18, U. S. Code, Section 241 in that

Commencing with the year 1951 and continuously to date said Joseph McCarthy has conspired with Don Surine, Roy M. Cohn and other persons to injure, oppress, threaten and intimidate the citizens of the United States in the free exercise and enjoyment of the rights and privileges secured to them by the Constitution and laws of the United States, by hailing them before inquisitorial committees, depriving them of their right of free speech, press and association.

Second Count

That Joseph McCarthy has violated Title 18, U. S. Code, Section 205 in that

a) In November 1948 he accepted a compensation from Lustron Corp. with the intent and purpose of having his actions as a U. S. Senator influenced thereby.

b) In December 1947 he permitted a representative of Pepsi-Cola to endorse and guarantee his promissory note at a time

when Pepsi-Cola was seeking to lift sugar rationing, with the purpose and intent of influencing his vote thereon.

Third Count

That Joseph McCarthy has violated the Corrupt Practices Act, Title 18, U. S. Code, Section 608, in that

a) During the general election of 1944 in Wisconsin said Joseph McCarthy caused contributions in excess of the legal amount to be contributed to said campaign.

b) During the Senatorial campaign in Maryland in 1950 he caused moneys in excess of the legal limit to be contributed to Senator John Marshall Butler's campaign and also engaged in activities characterized by the Senate Committee on Election and Privileges as a "despicable back street campaign."

Fourth Count

That Joseph McCarthy has violated the First and Fifth amendments to the Constitution of the United States in that

a) He has without due process of law caused numerous persons to be deprived of their right to work in their chosen occupations and professions.

b) He has wilfully and without proper evidence slandered, reviled and impaired the reputation and standing of numerous persons.

c) He has through illegal and arbitrary censorship caused to be destroyed countless volumes on shelves of publicly supported libraries and institutions.

d) He has impugned the loyalty and trustworthiness of public officials, thereby undermining and subverting the confidence of the American people in the honesty and integrity of national institutions and government.

e) He has conducted and caused to be conducted illegal inquiries into the private political beliefs and associations of the people.

f) He has through abuse of the investigatory powers of legislative committees wilfully undermined and subverted the rights of working people freely to associate themselves in trade unions of their choice.

Transcript of the Proceedings

The public trial of Senator Joseph McCarthy was scheduled to start at the St. Nicholas Arena at 7:30 P. M. Shortly after six o'clock, people began to arrive at the Arena. The doors were not yet open, and a crowd gathered outside. By seven o'clock, when the doors opened, the crowd stretched halfway down the block and overflowed from the sidewalk into the street. And, in a steady stream, by subway, bus, automobiles and on foot, more and more men and women continued to converge on the Arena.

At first, there was no sign of the counter-demonstration promised by several pro-McCarthy organizations. Then half a dozen men carrying picket signs appeared on the scene. Their placards read: "John J. Ryan Ass'n Upholds McCarthy." They began to march up and down in front of the entrance to the Arena. Their numbers did not increase, and they could hardly be seen in the growing crowd that poured into the hall. Such was the extent of the "counter-demonstration" . . .

Inside the Arena, 5,000 chairs faced the platform at the far end of the main hall. To the rear of the platform was the witness stand, flanked by two American flags. To the left of that, viewed from the audience, was the table for the prosecution. Downstage, and to the left, was a table for the commentators. To the right of the witness stand was the jury box with two rows of seats for the jurors. In back of the platform hung a large screen.

Microphones had been set up not only for the loudspeaking system in the main hall but also to transmit the proceedings

into the other hall in the building which was to accommodate any overflow from the audience in the main auditorium.

Within twenty minutes after the doors to the Arena had opened, every seat in the main hall was taken. The second hall—with a seating capacity of 2,000—began rapidly to fill up.

It was a few minutes after 7:30 when the lights dimmed in the main hall. Over the loudspeaker came the words of "The Star Spangled Banner," and the audience rose to its feet.

The national anthem completed, a face was projected on the screen at the back of the platform. There was a roar of applause from the audience. The face was that of Franklin Delano Roosevelt.

The recording of a familiar beloved voice sounded over the loudspeaking system: "... first of all let me assert my firm belief that the only thing we have to fear is fear itself—nameless, unreasoning, unjustified terror which paralyzes needed efforts to convert retreat into advance."

One image after another appeared on the screen: Harry S. Truman, Supreme Court Justice William O. Douglas, Senator Herbert H. Lehman, Albert Einstein, Adlai Stevenson. As their pictures appeared, public statements of theirs denouncing Senator McCarthy sounded over the loudspeakers . . .

There was the sharp rap of a gavel.

"The Court of Public Opinion of the United States of America!— The People of the United States versus Senator McCarthy!"

The lights came up on the stage. The commentators, now seated at their table on the platform, opened the trial proceedings.

COMMENTATOR: We are speaking to you from the St. Nicholas Arena where the public trial of Senator Joseph McCarthy is about to take place. Associate Prosecution Counsel, Russ Nixon, has just arrived . . .

Nixon seated himself at the prosecution table. He was joined by Chief Prosecution Counsel, Frank Serri. The jurors filed onto the stage and took their places in the jury box.

Nixon rose and, walking over to face the jury and the audience, began the prosecution's opening statement to the court.

MR. NIXON: Ladies and Gentlemen of the Jury, in these proceedings we will prove to you, beyond any reasonable doubt, that the defendant, Senator Joseph McCarthy, has conspired with oil and industrial millionaires, with the Hearst and McCormick press, and with other native fascist groups to attempt to overthrow our established constitutional democratic form of government.

We will prove that Senator McCarthy and his backers have advanced this conspiracy against our Democracy by acts of repression and suppression of all opposition, by dishonest and illegal destruction of free elections, by seeking to destroy freedom of press and set up an absolute control over all means of mass communication.

We will prove that Senator McCarthy has in the past, and continues now to seek destruction of the free rights of the people, and especially working people, by their exercise of free speech and rights of political association to protect their wages and working conditions, to protect and advance their social welfare, to protect themselves from unemployment and the threat of atomic war . . .

We will prove that Senator McCarthy has and is betraying his oath to support the U. S. Constitution and is selling out our Democracy in return for personal graft and pay-offs and in pursuit of his own tyrannical hunger for power . . .

Nixon went on to summarize the specific charges in the indictment which would be proven by the prosecution during the course of the trial. He then concluded his opening address.

Ladies and Gentlemen of the Jury: These charges we will prove to you, with evidence so overwhelming and conclusive, that there will be no question but that Senator McCarthy is an active agent threatening the people of America and their freedoms and welfare— We will prove that McCarthyism is Hitlerism.

As our first witness, the prosecution would like to call Charles R. Allen, Jr.

The witness stand was taken by Charles R. Allen, Jr., former assistant editor of The Nation and author of a forthcoming book entitled The McCarthy Conspiracy.

PROSECUTOR: Mr. Allen, have you ever heard of American Action, Inc.?

MR. ALLEN: I have.

PROSECUTOR: What kind of organization would you say it was?

MR. ALLEN: It was described by Congressman Wright Patman of Texas as "Fascists seeking to preserve property rights and ignoring human rights."

PROSECUTOR: In what way were they connected with the defendant, Joseph McCarthy?

MR. ALLEN: They provided him with much of the publicity for his 1946 campaign for the United States Senate.

PROSECUTOR: Who is William Dudley Pelley?

MR. ALLEN: A well known fascist, head of the rabidly anti-Semitic Silver Shirts. He had been convicted of sedition. In 1949 McCarthy pleaded with the parole board for early release of this convicted seditionist.

PROSECUTOR: Is this the extent of the defendant's connections with Fascists and other hate groups?

MR. ALLEN: It certainly is not. He has collaborated with Upton Close, one of the most reactionary and anti-Semitic commentators. Public protest removed him from the air during the war after he had defended the Japanese attack on Pearl Harbor.

PROSECUTOR: In what ways has the defendant collaborated with Upton Close?

MR. ALLEN: He has frequently inserted into the Congressional Record articles by Close. On May 12, 1950 in room 533 of the Mayflower Hotel in Washington, D. C., Senator McCarthy put through a call to Close. With Close at the time was Frank R. Seavers, president of Hydril Oil Company of

California and a rabid anti-Semite himself, and a contributor to Vice-President Nixon's famous private political fund. Close was soliciting money from Seavers. Close and McCarthy spoke on the phone for about ten minutes. McCarthy wanted help on a speech. Close told him: "Well, it should be the Far East you should hit. I'll whip up a speech for you and have it over to you at your private office." Close then turned to Seavers and said: "I've got to spoon feed him on the Far East. I've been his adviser on that aspect and the Jewish problem."

PROSECUTOR: Who is Gerald L. K. Smith?

MR. ALLEN: Probably the most vitriolic fascist and Jew-baiter in America.

PROSECUTOR: Has the defendant McCarthy ever had any connections with the man you describe as the most vitriolic fascist and Jew-baiter in America?

MR. ALLEN: High praise for McCarthy is to be found right in the midst of Gerald L. K. Smith's reprint of the notorious anti-Semitic book "The International Jew." In his literature offerings Smith advertises McCarthy's speeches, "Treason in Washington" and "America's Retreat From Victory—The Story of George C. Marshall." Smith calls them: "Crusading literature."

McCarthy also conspired with Fulton Lewis Jr. and Gerald L. K. Smith in the anti-Semitic plot against the appointment of Mrs. Anna Rosenberg to the job of Assistant Secretary of Defense. When her name was put forward Smith launched a Jew-baiting tirade, coupling anti-Semitism with charges that she was a former Communist . . . Representative Clare Hoffman of Michigan, one of McCarthy's allies, inserted Smith's article about her in the Congressional Record. The article referred to Mrs. Rosenberg as "This Budapest Jewess." Smith himself contacted McCarthy and presented the so-called evidence . . .

PROSECUTOR: One more question, Mr. Allen. Why have you come forward as a witness against McCarthy?

MR. ALLEN: The McCarthyite conspiracy with fascists and racists dictates that the freedom of our country demands an

aggressive fight to drive McCarthy and McCarthyism from American life. The security of the whole American people depends on it. (*Applause*)

PROSECUTOR: Thank you, Mr. Allen. As our next witness, we call Dr. Alphaeus Hunton.

The witness stand was taken by Dr. Alphaeus Hunton, Secretary of the Council on African Affairs and a former member of the faculty of Howard University.

PROSECUTOR: Dr. Hunton, is it your opinion that the methods and tactics of the defendant have aided and contributed in forcing other repressive measures upon the American people?

DR. HUNTON: Yes, very definitely. It is my conviction that Senator McCarthy, as the agent and co-conspirator of the most corrupt and pro-fascist elements in America, is out to lead the forces that would stifle all expression of opposition to the imperialist, Jim-crow, status quo. His method is that of the "big lie." . . . This is the greatest racket in America today . . . and there are many agencies that use it. One of the most dangerous of these agencies . . . is the Subversive Activities Control Board. Its criteria for judging who is subversive is the same as McCarthy's . . .

PROSECUTOR: Do you consider the defendant guilty of anti-Negro bias?

DR. HUNTON: The history of all the congressional investigating committees from Martin Dies on down to the present McCarthy and Velde committees has been one of victimizing the fighters against Jim-crow . . . The biased character of the McCarthy Committee was revealed during the recent hearings on books—so-called subversive books—used in libraries of the U. S. government abroad. Labeled subversive were books by the great historian, Dr. DuBois, Herbert Aptheker, author of many outstanding works on the Negro people . . . the work of the anthropologist and African expert, Mrs. Robeson, and many others by Negro authors or dealing with the Negro people. Clearly insinuated by McCarthy was that any book which

found fault with the present system of discrimination against Negroes was subversive.

PROSECUTOR: If the defendant's activities were curtailed by a verdict of guilty would this have any effect on the other repressive measures being used against the American people?

DR. HUNTON: Definitely. It is my opinion that McCarthy, Brownell, the Subversive Activities Control Board headed by Thomas J. Herbert, are all members of the same team—part of the same conspiracy. They stand or fall together. . . . The question of the number of McCarran Act victims there will be, and how speedily they will be tried and convicted, and whether the concentration camp provisions of the act, as well as the registration provisions, will be enforced, and how soon—all of this depends upon what the American people do, or do not do, to McCarthy. The people—and only the people—can stop fascism from coming to America. (*Applause*)

PROSECUTOR: Thank you, Dr. Hunton. As our next witness, we call Mr. James Aronson.

The witness stand was taken by James Aronson, executive editor of The National Guardian, formerly a member of the editorial staffs of the New York Times, New York Herald Tribune and New York Post.

PROSECUTOR: There has been a Senate investigation of Senator McCarthy's financial transactions. Can you tell us what it was about and what happened to it?

MR. ARONSON: In August 1951 a subcommittee of the United States Senate met to consider a charge that Senator McCarthy was unfit to serve in the United States Senate because of some rather interesting and unexplained financial transactions. Among the accusations were these:

1. That he took \$10,000 from a corporation which was seeking money from the Reconstruction Finance Corporation.
2. That he had his secretary withdraw \$10,000 from a fund contributed to fight communism and used it for his own personal purposes.
3. That in a four-year period from 1948 to 1952 he had an

income with another man of \$144,000 which he refused to account for.

4. That he borrowed \$20,000 from the Pepsi-Cola Company at the very same time he was attacking the government for its handling of sugar control. The attack was not designed to increase the cost of sugar to Pepsi-Cola.

5. That through loans and other transactions he violated the tax and banking laws.

The subcommittee invited McCarthy to appear. He refused. The investigation was a Communist smear job, he said. He denied the subcommittee's jurisdiction. The subcommittee invited him to raise the question on the Senate floor. He refused. The committee put McCarthy's challenge before the Senate. The Senate upheld the committee 60 to 0. McCarthy still refused to testify.

The subcommittee printed 2,500 copies of a report on its investigations. Immediately McCarthy & Co. scurried about to bury the report, to prevent a further printing. No new copies have been printed despite a tremendous demand. Nothing has been done by the Senate about the charges.

Last October Attorney General Brownell cleared McCarthy of any charges of wrongdoing on the financial transactions. There remained a question of taxes, which Brownell turned over to the Treasury Department. In November, the Treasury official charged with the investigation drove McCarthy to a speaking engagement in Virginia and introduced him as one of the great Americans of all time.

And there it rests. One guess as to how the tax investigation will turn out.

For the most part the press has buried the report, glossed over Brownell's whitewash without comment, sees no withholding of information to the public by the tacit agreement not to print further copies of the subcommittee's report . . . But the Big Lie will make page one every time.

PROSECUTOR: Why, as a newspaperman, did you invoke the Fifth Amendment when you appeared before the McCarthy Committee.

ARONSON: Let me preface my answer for a moment with an

inadequate summary of what is happening to the free press in the freest country in the world, what is happening when the voice of opposition is raised in the land.

John Gates, the editor of the *Daily Worker* has been imprisoned under the Smith Act. Al Richmond and Philip Connolly, editors of the *Daily People's World* on the West Coast, have been convicted under the Smith Act, and Terry Pettus, the paper's Northwest editor, has been convicted. Same Act. James Wechsler, editor of the *New York Post*, an anti-communist paper, was put through a five-hour wringer by the McCarthy Committee.

Cedric Belfrage, editor of the *National Guardian*, and I were summoned by the McCarthy Committee. Leo Huberman, co-editor of the *Monthly Review*, was questioned by the same committee. His colleague, Paul Sweezy has been subpoenaed to appear before a little McCarthy Committee in New Hampshire.

Harvey O'Connor, a brilliant muck-raking journalist, has been cited by the Senate for contempt for telling McCarthy that his views are none of the Senator's business. Corliss Lamont faces a similar threat.

The Vet's Voice, a small monthly publication of a veterans' group, and *The New World Review*, a monthly publication devoted to world peace and friendship have been harassed by the Post Office. Several editors of foreign language publications have been arrested or threatened with arrest for deportation under the McCarran-Walter Act.

"That's the picture, and it's not a pretty one. It answers the question you asked perhaps better than I can in my own words. But let me say this: I invoked the Fifth Amendment, when I did, to protect my innocence under the Constitution—a document in which I believe and will continue to believe until I draw my last breath. (*Applause*)

The courts have upheld the right of innocent people to invoke the Fifth Amendment to protect their innocence, and no inferences of any kind may be drawn from their assertion of the Amendment. The fact that Senator McCarthy seeks to amend the Constitution by drawing improper inferences there-

from, has not in fact altered the purpose and the meaning of the Fifth Amendment, and never will.

While I did not assert the Fifth Amendment to protect my rights under the First Amendment—which states, in language that sings: “Congress shall make no law . . . abridging the freedom of the press . . .” nevertheless my assertion of the Fifth Amendment in effect represents the protection of the entire Bill of Rights—which *does* include the First Amendment. (Applause)

PROSECUTOR: As a working newspaperman, do you feel that the press should be charged with a share of the blame in the creation of a McCarthy?

MR. ARONSON: To answer that, let me quote the words of Dean Gordon A. Sabine of Oregon State University, who pointed his finger straight at the press as the chief culprit in the rise of McCarthyism. He said: “It has been the ‘objective’ press that has made the present McCarthy. (He) made good copy and good headlines by riding off in all directions at once against Communists . . . The wilder the charge, the bolder the page one play. What mattered it if editorial pages patiently pointed out how preposterous was this pretender? Front pages reached more readers than editorial pages could command. The story was told more effectively than it could be untold. The eggs were scrambled, and who can unscramble eggs?”

The answer is: no one. But we don’t have to have our eggs scrambled in the first place. The fight for a free press is not an isolated fight. It is linked to the fight for free speech, free schools, the right to be defended by counsel—a right which the attorney general seems hell-bent to abolish . . . It is all one fight. And in all the cases I cited in my answer to a previous question, there has been fight back, no matter what the price. While we are taxed to the utmost of our strength in the fight against the ugliness of fascism, and while the odds are great, the fight is worth everything. We know that; because we are fighting on the side of decency. (Applause)

PROSECUTOR: Thank you, Mr. Aronson. I now call Mr. Lou Spindell.

The witness stand was taken by Lou Spindell, former high-school teacher and erstwhile all-American college basketball star.

PROSECUTOR: Mr. Spindell, do you relate your ouster from the school system in any way to the defendant McCarthy?

MR. SPINDELL: The Board of Education always does the actual firing. McCarthy and the others always like to claim that they do not hire and fire. But the pattern is clear. If any school board has trouble in getting rid of its openminded teachers, the committees come into town. This is the pattern . . . The Board of Education approves of McCarthy. They have swallowed McCarthyism hook, line, and sinker.

PROSECUTOR: Why did the school board embrace McCarthyism?

MR. SPINDELL: As the *New York Post* so aptly put it: "The schools are not red, they are rotting." There is a lack of buildings, classes are overcrowded, the morale of teachers is low, there is discrimination against Negro teachers, and, yes, bias and bigotry in the textbooks . . . Naturally, one way to avoid exposure is to cry: thief! . . . the school boards have embraced McCarthyism, are crying thief," in order to hide from parents the rotting state of the schools their children are going to . . .

By now, both halls in the St. Nicholas Arena were completely full. Representatives of the Fire Department had refused to permit any more people to enter the building. Hundreds were being turned away . . .

Next to take the witness stand was Abram Flaxer, former President of the United Public Workers of America, who when summoned before the McCarran Committee had refused to turn over to it the names and addresses of all the members of his union.

PROSECUTOR: When the committee asked you for your union's membership list, what was your response?

MR. FLAXER: I told the committee that their demand raised a number of serious issues. From the beginning of the trade

union movement in this country, the right of unions to the privacy of their membership records has been one of the basic precepts to which the labor movement of America had adhered. Bitter experience has taught American labor that the right to join a union was an empty right unless the fact of membership can be kept private.

Throughout our history, employers and anti-labor groups have attempted to violate the secrecy of union records in order to compile blacklists for the sole purpose of destroying unions. This has been amply documented in the hearings of the La-Follette Committee. After bitter struggles in and out of the halls of Congress, labor had succeeded in enacting into law this right of privacy. Countless decisions of the National Labor Relations Board and of our federal courts have upheld that right . . .

Every individual who joins a union joins it with the confidence and trust, supported by tradition and law that the act of joining and maintaining membership is a personal right and freedom that is inviolate. A request such as the present constitutes a wholesale invasion of such privacy and the "right to be let alone" which is protected by the Fourth Amendment. Every trade union member imposes a special trust in his union officers to protect and preserve that right. Therefore to submit to the request of this committee would be a violation of the trust imposed on me by my membership and a betrayal of the entire tradition of the trade union movement in this country. I have no doubt that not a single union president would find it possible to comply with such a request.

I therefore urge that the committee withdraw its request for our union's membership list.

PROSECUTOR: Did the committee withdraw its request?

MR. FLAXER: No. I was cited for contempt, later tried, convicted and sentenced to pay a fine of \$1,000 and to serve a term in jail. This sentence is now being appealed.

At about this time—it was almost half-past nine—a member of the Trade Union Veterans Committee went to check the sound apparatus in the smaller hall in the St. Nicholas Arena.

Not wishing to make his way through the main hall, he sought a way to reach the other hall from backstage.

After going down a stairway, he found himself among some dressing rooms. One of the doors was closed. Thinking it might lead to the other hall, he tried the door. It was unlocked, and he opened it. A strange sight met his eyes.

In a small windowless room, honeycombed with wires, a group of men were huddled around an instrument he could not see very well. They jumped up at his entrance. One of them said: "Get the hell out of here!"

The Committee member stepped back, startled. The door was slammed in his face, and he heard the sound of a padlock going into place. Recalling the threats there had been to bomb the meeting, he rushed off to round up other Committee members . . .

On stage, Reverend William Howard Melish of the Holy Trinity Church in Brooklyn was taking the witness stand.

PROSECUTOR: Reverend Melish, are you familiar with the name J. B. Matthews?

REV. MELISH: Yes, indeed. J. B. Matthews is a former missionary. Returning to this country, he did an about-face and emerged as a professional writer and so-called "researcher" in the field of un-American activities. On July 10th of last year Senator McCarthy announced he had hired him to be the research specialist for his Senate Subcommittee.

PROSECUTOR: Did Matthews work for McCarthy?

REV. MELISH: No, sir, he did not. The storm of protest that erupted over Matthews' appointment was so great that McCarthy accepted his voluntary withdrawal from the new post.

PROSECUTOR: What caused this public resentment?

REV. MELISH: Primarily it was the publication in the July issue of *The American Mercury* of an article entitled "Reds in the Churches," by this same J. B. Matthews. In this article he demonstrated conclusively that the nature of his "research" was nothing more than the scissors and paste-pot assembling of newspaper and other clippings describing the public activities of scores of bishops, and hundreds of clergymen and

rabbis. On their basis he built up a vast structure of inference, insinuation and accusation as his proof of subversion. So blatant was this illustration of character-assassination by inference unsupported by fact, that even the White House felt it expedient to join the nationwide protest and J. Edgar Hoover thought it wise to add a personal word of dissent. Senator McCarthy, realizing he had touched an explosive political hot potato, got rid of J. B. Matthews . . .

PROSECUTOR: What was the significance of McCarthy's original appointment of Matthews?

REV. MELISH: It seems to me, Mr. Prosecutor, to have significance in two ways: First, for Senator McCarthy to employ a man using such baseless allegations and irresponsible procedures as J. B. Matthews was using, is an additional indication—if additional indications there need be—of the Senator's complete disregard of judicial procedure and due process, not to mention the canons of civilized human behavior.

Second, the timing of the McCarthy appointment of Matthews followed closely upon the heels of an investigation of the clergy of the Boston area by the Jenner Committee of the Senate, and coincided also with secret hearings held by the Velde Committee in New York, both of which investigations invaded the field of religion and employed the whole current apparatus of professional witnesses and admitted perjurers, and this time with ministers and rabbis as the intended victims. I cannot avoid the conclusion, sir, that Senator McCarthy was itching to enter this same area of religion, and that it was only the sharpness of the public reaction that forced his retreat . . .

PROSECUTOR: What was the motive behind these men in invading the field of religion and attacking the clergy and rabbinate?

REV. MELISH: To me, sir, the motive is very clear. Actually, as I think you know, there is no "Communism" in either the churches or synagogues; there is only, among the clergy, loyalty to the truth of God made known in Christ, and, among the rabbis, the truth of God interpreted through the Law, the Prophets and the Living Tradition. These congressional com-

mittees and Senator McCarthy know this. The objective of their attack is not "Communism" in the churches and synagogues, because that is nonexistent. The real target is the critical and creative spirit that is nourished by the biblical tradition with its emphasis upon justice, brotherhood, peace, sharing and the real worth of human personality, as this spirit appears in Protestantism, in Judaism, and in the best manifestations of Roman Catholicism as well. If these men can identify moral idealism and the brave conscience with something unclean, alien and subversive, they will have destroyed the greatest single barrier to the regimentation of American life and achieved a major step in establishing thought-control. . . . The largest single force in America for shaping the conscience of our people, for working out the patterns for tomorrow's society, for enhancing and honoring the values of human dignity and freedom, is the church. This was why the attack was from those who fear its ferment, its insistence upon act as well as word, its indifference to slander and assault, of which it has had its familiar share over the centuries.

I conclude my testimony, Mr. Prosecutor, with a quotation from the *The Great Enterprise* by Dr. Harry A. Overstreet:

"The chance to besmirch and ruin liberals has made a Roman holiday for those who have always hated liberals. Now their time has come. They have at their command a formula so simple that the veriest fool can use it. Cry 'Subversive' when any one proposes any change whatever in the status quo or the righting of any wrong. With this formula, they can keep all things safe for whatever privileges they enjoy; or lacking privileges, they can vent their frustrations with destructive impunity."

That is why, Mr. Prosecutor, in my opinion, the promise of a better and brighter and truer America for all our people requires our testifying to the shameful and destructive role at home, and the appallingly misrepresentative role abroad, that these voices of hatred and discord are playing. I believe that slowly the public is seeing them for what they really are, and will consign them to the place they belong—the oblivion of total defeat! (*Prolonged applause*)

Down in the basement backstage, several members of the Trade Union Veterans Committee had gathered outside the locked room containing the mysterious individuals who had been discovered there a short while before. The Committee members banged on the padlocked door.

Finally, a voice from inside said: "Who is it? What d'ya want?"

"We represent the committee running this meeting. You've got no authorization to be in there . . ."

"Yeah? Well, beat it!"

A Committee member, dispatched to get the police, returned with four policemen. One of them rapped on the door with his night-stick. "All right," he said. "The police. Open up."

The door was opened, and the police went in. Soon, one of them stepped back out of the room, closing the door behind him. "What are you guys doing here anyway?" he asked the Committee members. He refused to allow them to go into the room.

The Committee members decided to get the officer in charge of the police detail at the meeting . . .

Meanwhile, up in the main hall, the famous novelist, Howard Fast, was testifying.

PROSECUTOR: Your charge against Senator McCarthy is that he conspires to destroy peace among the nations. Is that right, Mr. Fast?

MR. FAST: I would broaden my charge, and at the same time, make it more specific. I would charge Senator McCarthy with being part of a conspiracy to commit crimes against humanity. (*Applause*)

PROSECUTOR: Mr. Fast, precisely what do you mean by crimes against humanity?

MR. FAST: When the Nazi leaders were brought to trial at Nuremberg, they were charged with crimes so savage, so dreadful, so inhuman and unprecedented in history, that no nation on earth had provided in its code of criminal law for either the crimes or the punishments which those crimes would

entail. These unprecedented and savage crimes were characterized as crimes against humanity . . .

PROSECUTOR: By what actions has Senator McCarthy indicated his part in such a conspiracy?

MR. FAST: If one were to apply a general label to the theme of all Senator McCarthy's investigations, one would have to call them war-mongering. His phony spy investigations, his constant attacks upon anyone and everyone who stands for peace or speaks for peace, his connections with Mr. Alfred Kohlberg and the China Lobby, his support of General McArthur's concept of total war, his consistent attempts to frustrate any move of American foreign policy in the direction of rapprochement with the Soviet Union and China, his self-appointed dictatorship over Far Eastern trade—all of these add up to the picture of a war-monger, a man who has a well thought out and carefully calculated plan to destroy the peace and to provoke a world conflagration . . .

His aims are identical with the aims of Adolf Hitler, the same aims which plunged the entire world into war, and cost mankind 50 million lives.

PROSECUTOR: Mr. Fast, can you bring forward any evidence to identify Senator McCarthy with Hitler's Nazi movement?

MR. FAST: Indeed I can. There is ample evidence on this question, but the most shocking, I believe, is the incident of the Malmedy Massacre.

PROSECUTOR: Would you describe this incident, Mr. Fast?

MR. FAST: In 1944, during the Battle of the Bulge, hundreds of American G.I.s were taken prisoner by the Nazis at Malmedy. Shortly after their capture, SS men dragged the American POWs out into the snow and machine-gunned them to death.

PROSECUTOR: Were these SS men ever brought to justice?

MR. FAST: After the war, 74 were indicted for murder by an American military court. Forty-three were sentenced to death. The Nazis appealed the verdict. As their appeals went through the courts, neo-Nazis in Germany, and right here in the United States, turned their case into a campaign for a resurgent, re-armed Western Germany.

PROSECUTOR: Was the defendant McCarthy in any way connected with these neo-Nazis?

MR. FAST: He was, through a man by the name of Walter Harnischfeger, a Wisconsin industrialist, who was pro-German before the war, and who advocated a negotiated peace with Germany during the war. . . . This Wisconsin industrialist, Harnischfeger, sent his own lawyer, a man by the name of Tom Korb, to help McCarthy prepare material for the defense of the Nazi murderers of Malmedy.

PROSECUTOR: Would the witness please tell the court in exactly what ways Senator McCarthy defended the Nazi murderers of Malmedy?

MR. FAST: After pressure from pro-Nazi groups in this country, the Senate Armed Services Committee began an inquiry into the claims of the accused Nazis that they had been physically beaten into confessing their guilt. Although not a member of the committee, McCarthy insisted on being what he called a guest at the hearings. As a guest, he proceeded to bully and browbeat the committee, and particularly those who had prosecuted the Malmedy murderers . . .

PROSECUTOR: What has since happened to those Nazis accused of the murder of American POWs in Malmedy?

MR. FAST: The entire gang of SS murderers had their sentences commuted! The largest proven mass murder of American citizens was allowed to go unpunished, in good part through the intercession of Senator McCarthy.

PROSECUTOR: Can you throw any light, Mr. Fast, on the purposes of Senator McCarthy in his attempt to frustrate justice and to permit these Nazi murderers of American soldiers to go unpunished?

MR. FAST: His purposes, it seems to me, are very plain. McCarthy bases himself on the most reactionary, anti-Semitic, anti-Negro forces in American life . . . on men who predicate their future upon the invasion of the Soviet Union by a rearmed Germany, and upon an invasion of the Chinese Mainland, spearheaded by the forces of Chang Kai-shek, and President Syngman Rhee of Korea. In order to rebuild Germany as an aggressive military power, the German Nazis must be

wooded and won. Their past crimes must be forgiven, and the stage must be set for another catastrophe even more monstrous than the Second World War . . . The political aims of Senator McCarthy have as their strategic goal the conquest of the world through war . . . In August of 1953, immediately after a truce was signed in Korea, Senator McCarthy said: "Of course we will have truces from time to time. But as soon as the sinews of war are rebuilt, we will have a shooting war. We cannot stop without victory or death to this nation. That war was declared by Karl Marx in 1848. We will win it alone if we have to."

Here McCarthy condemns his own nation, the United States of America, to death in an inconceivably monstrous world conflagration. Thus, by his own words and deeds, he proves himself guilty of conspiracy to commit crimes against humanity—the vilest crime that can be charged and proven against any human being in all of human history. (*Prolonged applause*)

On the insistence of the Trade Union Veterans Committee members, the men—there had been five of them—who had been closeted in the basement room had been escorted from the building by the police. The members of the Trade Union Veterans Committee had sought to have the men questioned, but the police refused to permit it.

Inside the room, the Committee members found hurriedly cut wires that led above through a ventilator shaft. Strewn around the room were bits of recording equipment, some magnetic tapes, and several button-like, tiny microphones. In their hurry to get away, the men had left considerable equipment . . .

The Committee members traced the wires that led above. The wires reached out into the main hall and up to the balcony. There, fixed so as to be hardly visible, they were attached to a little microphone like the ones that had been found in the basement room. The microphone had been placed next to one of the loudspeakers . . .

Now on the witness stand was Dr. Melba Phillips, scientist and former member of the faculty of Brooklyn College.

PROSECUTOR: Miss Phillips, what does McCarthyism mean to science and higher education?

DR. PHILLIPS: Thoughtful people have long been concerned about the future of science and culture in America. What McCarthyism does is not only to deny the future, but to wreck the present, and even to rob us of our heritage from the past. It is not only the Ft. Monmouth situation that is described in the words of Walter Millis: "The whole proceeding is very much like driving a Patton M-47 tank through the heart of an electronic thinking machine on the unfounded suspicion that some of its electronic tubes were made in Russia." In that case the debacle was unusually complete, but there is not a research laboratory in the country that has not felt the effect of the Juggernaut, by terror of its passage if not by witnessing the resulting carnage on the spot. The danger is not lessened by the fact that it often comes insidiously rather than openly: a whisper can cause an important research grant to be cancelled, a lecture invitation withdrawn, an appointment denied. Even more generally, the fear of dissent can vitiate work. Communications are hampered: international conferences cannot be held in this country under the conditions of the McCarran Act. Participation in UNESCO and WHO is stymied. When an invitation to write an article for a UN publication is accompanied by security forms to be filled out in quadruplicate you can imagine what more active participation in the international intellectual community might mean.

And generations of students are now being brought up who cannot find out either by precept or by example that the intellectual life has ever been any different.

PROSECUTOR: With what, then, do you charge McCarthyism?

DR. PHILLIPS: I charge what has come to be known as McCarthyism with sabotage of teaching, sabotage of research, sabotage of communication, the life blood of science and culture, and, as a corollary to these, of consigning us to death

by denying us life. This literally, and quite apart from overt war.

PROSECUTOR: Has this kind of thing ever happened before to intellectual and scientific inquiry?

DR. PHILLIPS: Too many times. The political decline of the Roman empire was anticipated by a secret police state and the stultifying of all intellectual life. Again, it is no accident that in the 17th century science and culture generally moved to the protestant north as the harassment of the inquisition fell on men like Bruno and Galileo. The same insidious fear was instilled . . .

And within the memory of many of us has occurred one of the most spectacular examples of quenching the light of learning—that of Germany less than 20 years ago. Again it began insidiously and proceeded until there was left hardly a glimmer.

PROSECUTOR: What hope do you see for scientists and educators in the future?

DR. PHILLIPS: The recovery of national health and spirit, the maintenance of our heritage from the past, and the assurance of a good future, will depend on wide recognition that freedom is truly indivisible. This recognition is growing: it becomes clear that the fate of Harvard University and the the Jefferson School of Social Science is indivisible; that legal safeguards for people of the most unpopular beliefs are inseparable from the preservation of the most elementary human rights for all; that the lives and futures of the millworker and the university professor are inextricably interdependent.

Whether we succeed in defeating McCarthyism will depend on our integrity. Einstein has said that "while it is true that an inherently free and scrupulous person may be destroyed, such an individual can never be enslaved or used as a blind tool." The figure of the Juggernaut was not lightly chosen: there must be acquiescence to blind and ruthless sacrifice for it to take place. We are in danger, however, of raising a generation whose eyes are covered with scales from birth, as with the German youth of the 30's, who have no opportunity to learn freedom and acquire scruples. We must put McCarthy-

ism on trial everywhere, that the issues will become clear to all. (*Applause*)

PROSECUTOR: Thank you, Dr. Phillips. I call as the next witness, Mrs. Eslanda Robeson.

The witness stand was taken by Mrs. Eslanda Robeson, author of African Journey and a biography of her noted husband, Paul Robeson.

PROSECUTOR: When you appeared before the McCarthy Committee, what were your reasons for using the Fifteenth Amendment, as well as the Fifth, Mrs. Robeson?

MRS. ROBESON: I used the Fifteenth Amendment deliberately, because I wanted to shift the discussion from the Communist question to the Negro question. I did this because I feel very strongly that the McCarthy and similar Committees are not out to get Communists only, but are out to get all citizens who insist upon equality, on civil rights, on the Four Freedoms; they are out to get all citizens who disagree with their views.

I know very well that I was called up before the McCarthy Committee because I wrote two fairly militant books—one about the Negro question and one about the African question. So I hoped that by using the Fifteenth Amendment, and calling the Committee a “very white Committee” the emphasis would be shifted from the Communist to the Negro question, which they are very worried and nervous about. They were very much upset by this change of subject.

PROSECUTOR: How do you feel about having your books taken off the shelves by McCarthy and burned?

MRS. ROBESON: First of all I was delighted to learn that my books were on the shelves of the Overseas Libraries. I hadn’t known that until the Committee told me. I felt very flattered that McCarthy and Co. thought my books were important enough to make a fuss about. That means they are dangerous—not for the American people, but to McCarthy and Co.

I feel that the banning and burning of books is all part of the larger picture now taking form in the United States—the picture of a new and dreadful brand of colonialism—a do-

mestic, internal kind of colonialism by which the American people are being gradually reduced to a sort of colonial status, right here in our own country. Under classic colonialism, the colonial powers—England, France, Belgium—the so-called Free Nations—would permit no independent thought among the colonial peoples. When African, Asian, West Indian leaders disagreed with or criticized the colonial government, they were put in jail or exiled for Sedition or Subversion—and the colonial government could and did, declare anything they didn't like to be sedition or subversion.

This is exactly what is happening here in the United States today.

The colonial powers did their best to keep the colonial peoples illiterate and in ignorance—for fear that education might put ideas into their heads—ideas about freedom, self-government, independence. So the colonial powers never built a proper school system in the colonies, and selected very carefully the information they permitted to get through to the colonial peoples.

Now we in America already have a school system, and most of us are already literate.

So how to make us illiterate?

McCarthy and Co. are finding a way—by banning and burning books, by telling the teachers what they cannot teach, and the students what they cannot study and discuss, by letting our school buildings fall down from neglect, by policing the channels of information and communication—the radio, television, newspapers, magazines, the films and theatre, and by black-listing everyone who dares to challenge all this. Soon now, if this sort of thing continues, we will have a people who can read, but who will be well on the way to ignorance, because they will not be permitted to read anything that will challenge, contradict, or criticize McCarthy and Co.

So I say that this banning and burning of books is part of the larger, very sinister picture of a new kind of colonialism reducing the American people to the status of a colonial people. And this, ironically, at a time when colonial peoples

everywhere have already achieved their freedom and independence, or are clamoring and fighting for it.

If the American people—all of them—want to be free and independent, they will have to fight themselves free of McCarthy and Co. Now! (*Applause*)

PROSECUTOR: Thank you, Mrs. Robeson. I now call the next witness, Mr. Julius Emispak.

The witness stand was taken by Julius Emispak, General Secretary-Treasurer of the United Electrical, Radio and Machine Workers of America.

PROSECUTOR: Mr. Emispak, your union has had a good deal of experience with the various witch-hunting committees?

MR. EMSPAK: We have indeed, from the old Dies Committee right through to the McCarthy, Velde, Butler and the rest. For nearly fifteen years now our union has been under attack from the witch-hunters.

PROSECUTOR: What has been the purpose of these attacks?

MR. EMSPAK: In every case, it was to further the interests of the big companies with whom our union was in negotiations or in struggle.

PROSECUTOR: Specifically, sir?

MR. EMSPAK: A complete list would take too long. But here are some examples through the years:

1946. In the midst of UE's strikes against GE and Westinghouse, the Un-American Committee sent "investigators" to split the unity of the workers.

1948. Hartley Committee subpoenaed UE strike leaders from Dayton Univis picketline to Washington, in an effort to break the strike. The Committee failed.

1950. Sylvania Electric Company—NLRB chain-wide election scheduled for July 18, 1950. One week before the election, subpoenas of the Un-American Committee were served upon UE leaders in three plant locations. Unity won the elections for us.

1951. GE Insulator Plant, Baltimore, Md.—NLRB election set for June 29, 1951. On June 25 an agent of the Un-American Activities Committee invaded a Local Union meeting and with

great fanfare subpoenaed a union leader to appear before the Committee on June 27, two days before the election. Again UE won the election.

The most recent attacks on the election in the GE plant of Lynn, Massachusetts, where McCarthy came to town to smear UE members with phony charges of espionage and sabotage. In every case, a specific company had something to gain.

PROSECUTOR: You mentioned a hearing in 1949 before the Un-American Committee. I believe you were involved in that hearing?

MR. EMSPAK: Yes, sir, together with Mr. Matles, a general officer of UE, and other UE members. I was questioned at length about union members and I refused to answer on the grounds of the First and Fifth Amendments of the Constitution.

PROSECUTOR: You were cited for contempt?

MR. EMSPAK: Cited, indicted and sentenced. Spent a week in the jug before obtaining bail. This case is now before the Supreme Court, next week in fact, and will provide a test case on the constitutionality of the Un-American Committee as well as a test of the First and Fifth Amendments.

PROSECUTOR: So this may be your last public appearance for some time?

MR. EMSPAK: I hope not.

PROSECUTOR: Would you say these witch-hunting committees are the greatest menace to our democracy?

MR. EMSPAK: No, sir, I would not.

PROSECUTOR: You wouldn't?

MR. EMSPAK: No, sir.

PROSECUTOR: Why not?

MR. EMSPAK: Because these witch-hunting committees are only the servants of the big corporations whose unbridled financial power and greed are the real threat to our democracy. As Roosevelt used to call them, the Economic Royalists.

We must understand one thing: these witch-hunting committees are not just political circuses to build up this or that politician; they are part of a coldly calculated conspiracy by big business to destroy the democratic organizations of the American people—and in the first place, the labor movement.

The job of these committees is to create the political atmosphere in the country where the corporations can step in and do what they have been trying to do for generations: cripple, destroy, set back the labor movement of America.

Let me give you briefly a concrete example which is like a textbook on the use of the witch-hunting committees to the employers. Just a month ago, McCarthy came to Lynn. Why did McCarthy come into Lynn? Because UE was going into an election with a clear majority . . .

Despite the McCarthy attacks the workers remained solid. It was clear that UE would win. Then GE on the evening before the election announced that everyone who didn't cooperate with McCarthy would be fired. UE lost by a few hundred votes. Yet despite the hysteria, nearly 5,000 workers stood solid . . .

McCarthy has proven, if proof were needed, that he is an agent of Big Business in big matters and little. (*Applause*)

PROSECUTOR: Thank you, Mr. Emspak. I now call the next witness for the prosecution, Mr. Frank Coe.

The witness stand was taken by Frank Coe, Secretary of the International Monetary Fund up until 1953, and Assistant Administrator of the Foreign Economic Administration during World War II.

PROSECUTOR: I want to ask you, Mr. Coe, when the McCarthy Committee subpoenaed you last June was that your first experience with the witch hunt?

MR. COE: No, by that time I had become a veteran defendant. Charges were first made against me at the same time as against Harry Dexter White . . .

PROSECUTOR: You were summoned as part of McCarthy's investigation of the Voice of America. What was your connection with the Voice of America?

MR. COE: I had no connection at all with the Voice of America. I had never worked with the Voice of America—I had never broadcast for it . . . That was just a pretext.

PROSECUTOR: Did McCarthy, or his committee, give any statements to the press in advance of your appearance?

MR. COE: Of course they did. As with nearly every other witness they pre-judged the case before I appeared. I was in Mexico at the time searching work which I couldn't find in this country . . . Without notice, they called me a fugitive—said that a vast man-hunt had failed to locate me. They stated that several years before in some unexplained way, while secretary of the monetary fund, I had manipulated the currency of the little country of Austria to help the Soviet Union and hurt the United States. All of this was given out before I had a chance to appear.

PROSECUTOR: What did you have to say about these charges?

MR. COE: I came back to face them because they were demonstratively false. It so happened that while this alleged currency manipulation was taking place, if indeed it ever did take place, I was traveling in Ethiopia. It seemed to me that it would be difficult for them to prove that from Ethiopia I had given orders to the State Department in Washington to stop some negotiations with Austria that were taking place in Vienna. I also thought if I came back this would prove that I was not a fugitive.

PROSECUTOR: Did the committee let you say what you wanted to say?

MR. COE: Well, Mr. Prosecutor, I think you know the methods of the committee. They had no intention of letting me testify about the Austrian currency and my travels in Ethiopia. When I got back they were not interested in that question at all. I had a long statement they did not let me read. Meanwhile they investigated me on every other subject. At the end of the questioning McCarthy announced he had evidence that I had been running guns in South America. So we never really settled the Austrian manipulation.

PROSECUTOR: Now, Mr. Coe, I want to ask you this. Was it your impression that McCarthy actually believed the accusations that were made? Or was he consciously making a frame-up in order to get sensational headlines, and spread confusion and fear?

MR. COE: I charged at the time that they had completely fabricated the incident. Furthermore, their lack of enthusiasm

for the entire subject matter once they had me on the stand made me strongly suspect they cared more for headlines than they cared for what happened to the Austrian shilling three or four years before. I think it was a demonstrable frame-up and that everyone who was there, and everyone who reads the record, knows it . . .

PROSECUTOR: Would you tell the jury how the newspapers featured the charges and your answers?

MR. COE: McCarthy won a complete victory in the press. Here are a few of the headlines the press featured as the farce went on. "McCarthy Orders Borders of Nation Closed to Coe," "Coe Defies Query, Is Called Dangerous By McCarthy," "McCarthy Bids State Department Keep Coe From Leaving Country," "Money Plate Loaned To Reds To Be Probed, Coe Involved," "McCarthy Accuses Witness Of Running Guns To Latin America."

I would like to point out the difference in the way a situation like this is handled in our press and abroad. All of you read about the White Case a while ago. In the middle of the case J. Edgar Hoover said that he had evidence from a highly placed Canadian source that the late Harry Dexter White was under suspicion in Canada, as well as in the United States, for being a Russian spy. Instead of featuring this as headlines, the Canadian government investigated and reported to Parliament, and it was duly reported in the press that the evidence against White the Canadians had was only the reports they had received in secret from Hoover himself. In other words, Hoover was only repeating his own echo when he made the charge.

PROSECUTOR: I want to ask you, too, whether this incident is now ended.

MR. COE: The witch hunt isn't ended for any person except by accident or whim. The witch hunt isn't ended until McCarthyism—which is fascism—is stopped. (*Applause*)

PROSECUTOR: Mr. Coe, what do you think is the real reason why McCarthy has smeared you?

MR. COE: The only interest they had in me was that I was one of a number of persons who worked in the New Deal

under Roosevelt. One aim of the witch hunt is unquestionably to defame and smear the New Deal, Roosevelt, and every progressive movement and institution in this country. Most of this is planned. If you go back and read the reports of the Chamber of Commerce, you can see that the witch hunt of governmental servants, the witch hunt in the labor unions, the attacks on education, were all planned years ago. The plan is being carried out . . . If we want progress in any of these fields the job is to smash McCarthyism. (*Loud applause*)

The witness stand was taken by Ben Gold, President of the International Fur and Leather Workers Union.

MR. GOLD: I have never met the Junior Senator from Wisconsin face to face . . .

But my testimony on Senator Joseph McCarthy is more than hearsay evidence. I am here to bear witness to acts of which I have direct knowledge. I am here to tell you of what the defendant Joseph McCarthy is doing to the workers of America—to their living standards, to their unions, to their hopes for lives in freedom and peace. . . .

McCarthyism has so far evaded an open attack on 40 million workers and the organizations which protect their livelihood. He has declined any open declaration of war, but only the more dangerously to prepare a Pearl Harbor sneak attack on labor with atom bombs.

McCarthyism is in fact and in action the first weapon of all those who seek to cut out the heart of American labor.

McCarthyism is the technique of poison charges, of calculated hysteria, of giant falsehood which has been used since the 18th century by those who would enslave American workers.

McCarthyism is the technique operating in the twentieth century of those who jailed workers for alien British conspiracies to increase wages, of those who launched the Alien and Sedition laws on a flood of anti-French hysteria, of the Know-nothings and of the Kluxers and lynchers, of those who cried out against anarchy as they shot workers in cold blood

and hung their leaders, of the Palmer raids and the murderers of Sacco and Vanzetti. . . .

McCarthyism is in heavy demand these days. Among American workers, as among the American people generally, there are deep problems in these first days of 1954. The official totals of unemployment are beginning again to creep higher. Steel mills, foundries, auto plants, machine shops, textile and appliance factories are beginning to slow their production, to cut their hours of work and reward the skyrocketing output of workers with slips marked "layoff."

Facing such prospects of depression American big business today seeks to maintain both its political power and its record rate of profit.

It wants to cut wages, to squeeze the last ounce of human energy from the bodies of those who remain employed, to slash its costs and hold high its prices, to pass the burden of taxation entirely to the common people and take for itself the wealth of the nation's resources. What is good for General Motors in 1954 will be unmistakable poison for the American people.

But the American people have proved time after time that they do not knowingly swallow poison. Herbert Hoover learned that in 1932. His successors found the same thing in the recent election returns from Wisconsin, from New Jersey and California, too. . . .

Faced by the mounting suspicion of American voters, leaders of the Administration have now turned officially to McCarthyism as the one road to political salvation.

Do workers want real action against unemployment? There will be no creeping socialism inspired by Moscow, declares the Administration. Instead we shall fight unemployment in the true American way by cutting the taxes on big business and ending unwholesome restraints on monopolies.

Do workers ask for a return to the Wagner Act? That is unreasonable, says the Administration. After all, the Wagner Act was administered by Moscow agents who organized such things as the Memorial Day massacre in Chicago.

Are there those who seek action for prosperity and peace by

opening channels of foreign trade? Never, says the Administration. That smacks of the policies of Harry Dexter White who proved himself a Moscow agent by criticizing the international policies of the Chase National Bank.

Thus the Administration is moving to brand as subversive, as Communist, as pure and simple espionage any disagreement with its policies. A Harry Truman . . . an Adlai Stevenson . . . and even the alarming memory some day Franklin Delano Roosevelt himself are smeared as tools in a giant plot against the safety of the people of the United States of America. . . .

I am here tonight to join in this indictment and trial of Senator Joseph McCarthy, because he is both symbol and the spokesman of all this poisonous policy . . . because his loose and evil face represents the evil and the danger confronting all the American people.

I am here tonight to declare that the danger of McCarthyism goes beyond the specific crimes charged against him. . . .

It is of this that I accuse Joseph McCarthy.

I accuse him of conspiracy to rob American workers of their unions, their wages and their living standards.

I accuse him of conspiracy aided by the millionaires of Texas and the banks of New York for the creation of dictatorship in this nation.

I accuse him of the guilt of deliberate war-making, of creating mad fear and hysteria to drive this nation and the whole world into a new world war—

We who speak for the American people vow tonight that such criminal aims of McCarthy shall never be achieved. . . .

There need be no stench of Buchenwald or Auschwitz in this land. Honest leaders of labor need not face a choice between torture for themselves or betrayal for their members. The nightmare flashes of H bombs need never transform this and other lands into funeral pyres of a self-obliterated civilization.

None of these things need to be if honest and democratic Americans everywhere devote their full hearts and minds and lives to the protection of their basic liberties . . . if there is some clear and courageous leadership given to the ground

swell of disgust and hatred with which even now the vast majority of the American people reject McCarthyism and all its evil works.

None of these things need to be if you and I and thousands like us over America tonight give our verdict of guilty—by vowing an eternal fight against McCarthyism.

McCarthyism must be defeated. This meeting tonight is one evidence—strong, clear and unmistakable—that it will be defeated. (*Prolonged applause*)

COMMENTATOR'S VOICE: Associate Prosecutor Nixon has rejoined Chief Prosecutor Serri at the prosecution's table. Mr. Serri is about to make his summary address to the court. . . .

MR. SERRI: Ladies and Gentlemen of the jury. In the past I have always appeared for the defense and I have frequently commented in this fashion: the sweetest words in the English language are—"not guilty." Forget them tonight. There are only three words for the jury tonight: "guilty as charged."

One ballot tonight should be enough. . . .

Tonight you have an easy task. What makes it easy? The quality of the witnesses who have testified. Ordinarily the prosecution laments—he apologizes for the damaged goods he is obliged to present to the jury. I don't blame them. I like to remember a dictum of Mark Twain's: "There are liars, damned liars, and statistics." I would apply this dictum in this way: There are liars, damned liars, ex-Communists, and informers! We did not go into the muck to thresh out ex-Communists and informers. We have presented our case through the mouths of valiant, patriotic, worthwhile Americans, who have the welfare of our country at heart. . . .

A defense attorney might raise one legitimate question about the composition of the jury. And I would have to admit that there are no representatives of any oil millionaires from Texas, and there are no big cattlemen from Texas and there are no profiteers of the off-shore oil graft. There are no representatives of the big industrial dictatorships and there are no representatives of the sugar and real estate interests. No. There are only the common working people of America. I submit that—notwithstanding the absence of representatives

of all those big industries, big utilities—this jury is a better and fairer cross section of the community than they gave us for the Thirteen in the case of U.S. versus Flynn.

What is the significance of this trial? It dramatizes the failure of the Attorney General. Instead of dancing on a dead man's chest, instead of marching in a parade with a corpse, he lacks the courage to tackle a live, and a guilty, defendant. He failed to present the evidence to a special grand jury. He failed to appoint a special non-partisan prosecutor. He failed to subpoena the defendant to testify before that grand jury. This trial, and your verdict of guilty, highlights the failure of the Senate special committee. It did a fair job—yes. But it failed to subpoena the defendant himself, and compel him, under oath, to answer the questions which they wanted to put to him. This trial tonight is a challenge and an appeal to the Senate to finish the job; not to appropriate and waste more of the public's money this year on the McCarthy Committee. It is an appeal to the Senate—think of it, the Senate of the United States, cowed, frightened by one fraud, one demagogue—it is an appeal to that Senate to say stand up and fight and throw the bum out! It is also an appeal to the State of Wisconsin to undo as soon as it is legally possible the greatest blunder in that state's history—the blunder in '46 of actually preferring to a son of the great LaFollette—to a son of fighting Bob—to prefer this shabby, cowardly defendant . . . But the most important thing that this trial and verdict underscores is the meaning of this evidence when you put the scattered fragments together . . . I will sum it up in this phrase: "McCarthyism is government by terrorization and accusation." Remember that phrase. It is the exact opposite of government by discussion and fair play, which is our heritage and our American tradition. . . .

Santayana once said: "If the power were given to me to look deep into a man's heart, and I did not find good will there, I would say unhesitatingly, you are not an American." And judged by that correct definition, the defendant is not an American. And I go further. If you should ask me to illustrate the best in American spirit and philosophy, I would give you

Thomas Jefferson when he said in his first inaugural, "If there be any one amongst us who wants to change or alter our form of government let him stand undisturbed as a monument to the safety wherever and whenever the truth can combat it." I will give you Lincoln, his second inaugural, "With malice toward none, with charity for all." Lincoln said that in March '65. He did not say "Indict Lee . . . indict General Longstreet," who right there in the field were fighting with force and violence to overthrow the Government of the U. S. He said "With malice toward none, with charity for all." And another, Holmes, the greatest judge of our day, "Freedom for the thought that we hate." And Roosevelt—the New Deal, and the Four Freedoms . . .

There you have the samples of American philosophy and spirit at its best. Compared to that, McCarthyism is a sample of America at her worst. The result of this McCarthyism is that it has planted seeds of corruption and madness, of hate and of fear. And unless we stop it, it may become the gravedigger of America.

I will tell you what is the defense that is made for this man: "My objective is good—even if I am a bit rough." That's a phony, that's patent medicine—political patent medicine. Both the methods and the objective are the same, and both are equally rotten.

I conclude with saying this: I hope this trial and this verdict of guilty will help to stem McCarthyism—will help to stem the drift to depression, reaction, and war. And I give you this closing phrase from a Russian play. I saw it, no, not in Moscow—in New York. It is about the return of a soldier—and the old soldier puts his arms around the young corporal, and as the curtain goes down he says: "I give you a toast: 'A world with no more uniforms!'" I thank you. (*Prolonged applause*)

COMMENTATOR: Mr. Foreman of the Jury . . . are you ready with the verdict?

The jury foreman, Leon Straus, stepped forward.

MR. STRAUS: I address all of you who are here at this meet-

ing, and the hall below, as those who must judge in this court of people's opinion—we have reached a verdict and we find that Senator McCarthy is guilty as charged on all counts. He is guilty as has been charged in the indictment . . . He is guilty of being a fascist and a degenerate character that isn't fit to serve in the halls of the Senate of our glorious land. And the jury wants to commend the prosecutor, Frank Serri, for his brilliant presentation of this case and the assistant prosecutor, Russ Nixon, and all the witnesses and speakers who have appeared here. And most of all you honest, decent, sincere Americans, New Yorkers who have come here to fight the McCarthy frame-up. . . .

And we ask you to pass sentence . . . pass sentence by going back to the people in your community, in your organization, in your unions and in your churches and bring back this message of the fact of this trial. Organize support for those who fight McCarthy—for all those who fight McCarthyism. . . .

Unify labor in this struggle. . . .

We call upon you to conclude this trial as the judge in the court of public opinion by passing sentence that McCarthy shall be doomed to historic and political oblivion. (*Loud applause*)

Epilogue

The public trial of Senator Joseph McCarthy which took place at the St. Nicholas Arena in New York City on January 6, 1954, represented more than a dramatic and impressive mass meeting. The trial was a symptom and a symbol of far-reaching significance. It was a symptom of the swelling public resentment against McCarthy; it was a symbol of the mounting resolve in the land to bring his anti-democratic machinations to an end. And it presaged many things to come.

For in the weeks that have since elapsed, McCarthy has been forced to stand trial before an ever-growing section of the population; and more and more Americans have found him guilty of heinous offenses against the nation.

Commenting on the scope of the present opposition to McCarthy, the *New York Times* recently inquired editorially: "Has the tide turned against McCarthy?" There are not a few signs that it has.

Early in March, Senator McCarthy withdrew the widely publicized, \$2,000,000 libel suit he had filed two years before against Senator William B. Benton, who had accused him of accepting bribes, committing perjury and practicing "calculated fraud and deceit on the United States Senate and on the people of the United States." The Senator claimed he had withdrawn the suit because his attorneys could not find, anywhere in the country, anyone who would testify to a belief in anything Benton had said. Immediately, from coast to coast, letters began appearing in the press from individuals stating they were willing to testify under oath that they believed Benton's accusations against McCarthy. In New York and other cities, newspapers carried full-page advertisements

signed by citizens soliciting additional signatures to declarations of belief in Benton's charges. Thousands upon thousands of men and women were soon signing such declarations . . .

When news-commentator Edward R. Murrow devoted an entire television program on the CBS network to a trenchant attack on Senator McCarthy, CBS stations across the land were flooded with more telephone calls and telegrams than they could handle, commending them heartily for the program and urging them to continue the fight against the Senator.

Public indignation against McCarthy increased by leaps and bounds following the disclosure by the Army that it had been subjected to direct threats by the Senator and his chief counsel, Roy Cohn, in an effort to extort preferential treatment for their intimate companion and former co-worker, G. David Schine, who had been drafted as a private. Such was the national furor over this scandal that an unprecedented senatorial investigation, albeit one conducted by the McCarthy committee, became imperative.

In McCarthy's native state of Wisconsin, the movement against him has spread like a prairie fire. Initiated by a Republican newspaper editor, a state organization was formed in March with the aim of effecting McCarthy's retirement from the Senate by a recall election. "Joe Must Go" clubs sprang up throughout the state. Thousands of recall petitions were placed in circulation; and by the first week in April, the signatures on the petitions numbered more than 160,000 . . .

But whether or not the tide has turned against Senator Joseph McCarthy, there is one admonition to remember in particular from the testimony given at the public trial of McCarthy conducted by the Trade Union Veterans Committee. That is the point, stressed by one witness after another, that McCarthyism can exist without McCarthy, and that the Senator is its spawn rather than its sire. The defeat not only of McCarthy but of McCarthyism dictates an end to the repressive fear-ridden precepts of the Cold War and a return to ways of sanity, security and peace.

A. E. K.
April 26, 1954

Fact Sheet on Senator McCarthy

(DISTRIBUTED TO THE AUDIENCE AT TRIAL)

McCarthy Is Openly Linked to Fascists and Anti-Semites

McCarthy, in his drive for power has conspired with the following racists or anti-Semites, among others:

- Upton Close*, news commentator and author who was kicked off the airwaves for injecting anti-Semitic references in his broadcasts. McCarthy has used Close's material for speeches on the Senate floor.
- Joseph Kamp*, notorious anti-Semite and pro-fascist whose pamphlet entitled *America Betrayed* was quoted almost verbatim by Senator McCarthy on the Senate floor, February 20, 1950.
- Austin F. Hancock*, retired Texas insurance executive who floods the mails with racist propaganda put out by his *American Heritage Committee*. McCarthy accepted \$5,000 from this hater of Negroes and Jews for his 1952 election campaign.
- J. B. Matthews*, personal advisor to native fascists and former researcher for the discredited Dies Committee has provided material for McCarthy and was named staff director of his committee last summer. After a vicious smear attack on the Protestant clergy in the July issue of the *American Mercury*, Matthews was forced to resign.

McCarthy Is an Enemy of Labor

Senator McCarthy is the mastermind behind the Butler bill. This bill would shackle all unions in a labor front, as in Hitler Germany. Senator Butler (Rep.-Md.) owes his seat to McCarthy. McCarthy directed a smear campaign against Butler's opponent, the incumbent Senator Millard Tydings which a Senate Committee described as a "*despicable back-street type of campaign.*"

McCarthy's attitude toward labor was revealed when he told newsmen on December 5, 1946, that he would stop the then pending coal strike by drafting John L. Lewis into the armed services and ordering the miners back to work. "*If he does not do that,*" said McCarthy, "*he should be court-martialed. All this talk about you can't put 400,000 miners in jail is a lot of stuff. They will mine coal first.*" (N. Y. Times, 12/6/46.)

McCarthy's voting record has consistently been anti-labor.

McCarthy Voted For:

- Taft-Hartley.
- A bill to cripple social security.
- A Taft-Hartley injunction against striking steelworkers.
- An amendment to publish the names of relief recipients.
- Denial of loans to small farmers for minor farm improvements.
- The transfer of tidelands to wealthy oil companies.
- The McCarran immigration bill over the President's veto.
- Confirmation of real estate lobbyist Albert Cole, as head of the Federal Housing Agency.

McCarthy Voted Against:

- The Taft-Ellender-Wagner bill for more housing to low-income families and effective rent controls.
- A rollback of prices on meats and other commodities.
- The excess profits tax on corporations.
- Federal aid to education.
- President Truman's Civil Rights Program.

McCarthy Is Attempting to Destroy the Constitution and the Bill of Rights

In his witch-hunts, McCarthy is working to destroy the First and Fifth amendments to our Constitution. He has fought to get wire tapping and the use of wire-tap evidence admitted into Federal courts. Here is what the *Denver Post*, published by Palmer Hoyt, a Republican, said on November 12, 1953:

"Senator McCarthy and others have helped create in the public mind the impression that anyone who uses the right to refuse to testify must be guilty *per se*. Such an impression is contrary to sense, law and history. . . . The next easy step could be the establishment of a police state, complete with wire tapping on all telephones."

McCarthy Is Backed by Pro-Fascist Industrialists and Newspapers

- The *duPonts* were major contributors to *American Action*, a political outfit labeled "*fascist*" by Congressman Wright Patman (Dem.-Texas) which first elected McCarthy to the Senate in 1946.
- Texas oil millionaires*, including Clint Murchison, Hugh Roy Cullen, Jack Porter and H. L. Hunt contributors to extreme anti-labor causes for years are now on the McCarthy bandwagon.
- Craig R. Sheaffer*, president of the W. A. Sheaffer Pen Co., a financial angel for Merwin K. Hart and former sponsor of pro-fascist Upton Close's radio broadcasts, sent McCarthy a check for \$1,000 in 1950.
- Walter Harnischfeger*, Milwaukee industrialist, another M. K. Hart supporter, was the key man behind McCarthy during the Malmedy hearings which saw the Wisconsin Senator praise the Nazi war criminals who murdered American G.I.'s in cold blood. McCarthy used the hearings to vilify the Jewish members of the U. S. Army prosecuting teams.
- Alfred Kohlberg*, wealthy importer and key figure in the China Lobby, was McCarthy's source for smearing Pro-

fessor Owen Lattimore and former Ambassador-at-Large, Philip C. Jessup.

- Important newspaper interests supporting McCarthy include: Col. Robert R. McCormick, publisher of the *Chicago Tribune*; William Randolph Hearst Jr., Roy Howard of the Scripps-Howard newspapers and John Fox, publisher of the *Boston Post*.

While many influential Catholic publications like *Commonweal* have denounced the Senator and his methods, one of McCarthy's strongest boosters is the *Brooklyn Tablet*, edited by Patrick Scanlon, Christian Fronter and admirer of Hitler, Franco and Father Coughlin.

McCarthy Refuses to Explain His Financial Irregularities

- McCarthy deposited \$172,623.18 in the bank in four years, although his Senator's salary was only \$15,000 annually. A Senate subcommittee investigating his finances found they "*looked highly irregular.*" McCarthy refused on six separate occasions to even appear before the committee, let alone answer a single question. The subcommittee reached "*the inescapable conclusion that Senator McCarthy deliberately set out to thwart any investigation of him by obscuring the real issue and the responsibility of the subcommittee by charges of lack of jurisdiction, smear and communist-inspired persecution.*"
- Time Magazine* (October 22, 1951) called McCarthy "*a friend of the real estate lobby.*" In 1948, the Lustron Corp., paid him \$10,000 for putting his signature to a housing pamphlet. At that time McCarthy was a member of two committees having jurisdiction over housing and RFC loans. Lustron was indebted to RFC for \$37,000,000.
- The Senate subcommittee probing McCarthy's finances found he had favored the Pepsi-Cola Company in 1947. The subcommittee reported that "*His acceptance of a \$20,000 favor from the Washington representative of the*

Pepsi-Cola Company, at the very time he was attacking the government for its manner of handling sugar control, makes it difficult to determine whether Senator McCarthy was working for the best interests of the government or for Pepsi-Cola."

McCarthy Is Pro-War

"We are at war today," McCarthy said recently, "in a war which we did not start and which we cannot stop without victory or death to this nation. . . . Of course we will have truces from time to time; we are having one now. But as soon as the sinews of war are rebuilt, we will have a shooting war again." (September 26, 1953, N. Y. Times.)

McCarthy opposed the ending of the Korean War. He supports aid to Franco Spain, Chiang Kai-shek and other enemies of peace and democracy.

McCarthy Faked His War Record

In order to get elected, McCarthy lied to the people of Wisconsin about his war record. When he went to Congress he wrote in his Congressional biography that he entered the service as a buck private and qualified as a tailgunner. McCarthy never served as a buck private. He entered the service as an officer doing paper work for a flying squadron. He never qualified as a tailgunner. McCarthy flew on a few quiet missions. His recorded missions, however, mysteriously multiplied as the years went by.

1944. A campaign leaflet in Wisconsin said McCarthy "participated in 14 dive-bombing missions over Japanese positions."

1948. *Congressional Directory*—" . . . had 17 official missions in the South Pacific."

1951. Testifying under oath in a legal proceeding, McCarthy stated, ". . . I was on 30 dive-bombing missions, plus liaison missions."

BEFORE September 27, 1951, the Marine Corp certified fewer than ten strike flights for McCarthy. AFTER that date he had a Lieut. Col. Todd of the Marine Corps add 20 missions to the original 10.

Statements on McCarthy

Here are what some prominent Americans have said about McCarthy and McCarthyism:

—"It is now evident that the present administration has fully embraced for political advantage McCarthyism. I am not referring to the Senator from Wisconsin—he is only important in that his name has been taken as a dictionary meaning in the world—it is the corruption of truth, the abandonment of our historical devotion to fair play.

"It is the abandonment of 'due process' of law. It is the use of the big lie and the unfounded accusation against any citizen in the name of Americanism and security.

"This is not a partisan matter. The terrible cancer is eating at the vitals of America and it can destroy the great edifice of freedom . . ."

FORMER PRESIDENT HARRY S. TRUMAN

—"McCarthy's methods, to me, look like Hitler's."

ELEANOR ROOSEVELT

—"If ever there was a man devoid of refinement, or the slightest spiritual sensitivity, it is Mr. McCarthy. Unquestionably, we have here a low-grade bully of the storm-trooper type with all the makings of a Hitler . . ."

MARK J. DALTON, *noted Catholic layman, Boston, Mass.*

—"McCarthy is using the Communist issue to ride to power in the United States just as Mussolini used the Red issue in Italy and Hitler used the Bolshevik menace in Germany."

United Auto Workers-CIO, May 1953.

—"Terror and intimidation spread by Senator McCarthy and his ilk have resulted in an atmosphere in which the seekers after truth tremble and the daring and exploring minds among us resort to innocuous truisms rather than risk slanderous misconstructions of their utterances."

DR. IRA EISENSTEIN,

President Rabbinical Assembly of America

—"The political demagoguery which in the name of 'Americanism' seeks to exploit fear, foment suspicion, by-pass due process of law and stifle difference of opinion is the most grievous type of un-Americanism. Only by guarding our freedom, including the freedom of dissent from the majority—can America have an informed and courageous public opinion."

THE RT. REV. ANGUS DUN, *Bishop,*
Protestant Episcopal Church (Cleveland, 10/27/53)

Action Program

- 1) Pass this around among your friends in your shop, union and neighborhood to acquaint people with the truth about McCarthyism.
- 2) Send post cards, letters and telegrams of support to: Public figures who are fighting against McCarthyism or any part of his program, such as Senator Herbert Lehman, Adlai Stevenson, former President Harry S. Truman and Dr. Albert Einstein.
- 3) Send post cards, letters and wires to:
 - a) *President Eisenhower* demanding that he take a clear stand against McCarthy and McCarthyism.
 - b) *Senators* urging support for the proposal made by leading Democrats to deny funds to McCarthy's Committee and for reopening of a Senate investigation of his financial and political manipulations.
 - c) *Attorney-General Brownell* demanding a reopening of the investigation of McCarthy's violation of federal election laws, income tax violations and abuse of postal regulations.
- 4) Support the call of the CIO United Rubber Workers for "a flood of letters to the Senate asking for McCarthy's impeachment."
- 5) Support all actions by labor and people's organizations in the fight against McCarthyism and all other attempts to infringe or destroy civil and democratic liberties.

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